

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

FRIENDS OF PINE STREET, d/b/a)
PINE STREET COALITION)
Plaintiff,)
v.)
THOMAS D. EVERETT, in his capacity as)
Executive Director of the Federal Highway)
Administration, JOE FLYNN, in his capacity)
as Secretary of the State of Vermont Agency of,)
Transportation, and MIRO WEINBERGER, in)
his capacity as Mayor of Burlington,)
Defendants.)
Civil Action No.
5:19-CV-00095-GWC

DEFENDANT THOMAS D. EVERETT'S STATUS REPORT

Defendant, Thomas D. Everett, in his official capacity as Executive Director of the Federal Highway Administration (“FHWA”), by and through his attorney, Christina E. Nolan, United States Attorney for the District of Vermont, hereby provides the Court with this Status Report in compliance with the Court’s August 9, 2019, Order granting a voluntary remand to FHWA.

Since the May 21, 2020, Status Report, defendants FHWA, the Vermont Agency of Transportation, and the City of Burlington posted the Notice of Availability for the Draft Limited-Scope Supplemental Environmental Impact Statement (LS-SEIS) in the *Federal Register* on July 10, 2020. Following the posting of Notice of Availability, a public hearing on the LS-SEIS was held on July 29, 2020 at the Burlington Department of Public Works located at 645 Pine Street, Burlington. Members of the public were also able to attend the hearing virtually, either via the Zoom Webinar platform or via a call-in option for those

without internet access.

Publication of the Notice of Availability began the 45-day comment period that was left open until September 10, 2020. The project team received in excess of 150 total comments. The team is in the process of preparing responses to those comments.

It is currently anticipated that responses to comments and publication of the final LS-SEIS will occur in March 2021. Once the LS-SEIS is signed there is a 30-day cooling off period prior to publication of a Record of Decision (ROD). Given those regulatory timing requirements and the possible impact of the holidays on scheduling, it is most likely that the ROD will be issued between late-April 2021 and mid-May 2021. FHWA proposes that the stay be continued, and that FHWA submit to the Court a further status report at the earlier of the date a new decision is published by FHWA or May 21, 2021.

Dated at Burlington, in the District of Vermont, this 30th day of October, 2020.

Respectfully submitted,

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